

REMARKS

I. STATUS OF THE CLAIMS

Claims 1, 3-12, 14, 15, 18-20, 22-24, 27-39, and 40-41 are pending in this application.

No new matter is added by this amendment.

II. REJECTIONS

Claims 1, 3, 11, 18, 19, 22, 24-33, and 40-41 are rejected under 35 U.S.C. 103(a) as being obvious over Dan et al (US 6,560,639; hereinafter Dan) in view of Kitamura et al (US 5,999,160; hereinafter Kitamura).

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan and Kitamura in view of Hines et al (USP 6570585).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dan and Kitamura in view of Bell (USP 6600902).

Claims 4, 7, 14, 15, 20, 23, and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan and Kitamura in view of Yu et al (USP 6684087).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan and Kitamura in view of Yu et al and further in view of Hines.

III. APPLICANT'S RESPONSE

A. Claims 1, 3, 11, 18, 19, 22, 24-33, and 40-41 are rejected under 35 U.S.C. 103(a) as being obvious over Dan et al (US 6,560,639; hereinafter Dan) in view of Kitamura et al (US 5,999,160; hereinafter Kitamura).

The Applicant's remarks in the amendment filed March 5, 2008 regarding the Dan patent, are incorporated herein by reference. In the present Office action, the Examiner admits certain deficiencies of the Dan reference, the Office action reading as follows:

In Fig. 21, Dan does not show that the banner is in "addition to said content."

Dan also fails to teach that at least one of the plurality of packets of the ongoing packet transfer comprises a header portion and a separate payload portion and said at least a portion of the image data is transmitted in the header portion.

The Examiner has combined the Dan reference with the Kitamura reference, using an argument that reads as follows:

Kitamura teaches an analogous method for forming sub image data packet including data of sub image superimposed on main image, which discloses the idea of having at least one of the plurality of packets of the ongoing packet transfer comprises a header portion and a separate payload portion and said at least a portion of the image data is transmitted in the header portion (col. 2, lines 15 - 61; col. 13, lines 43 - 49).

The Applicant disagrees. The Kitamura reference discloses that none of the information about the shape of the picture to be displayed is contained in the packet header, but instead picture shape information is contained in the data payload portion of the packet. There is no picture shape data contained in the header portion of the packet. The Kitamura reference at column 13, lines 43-49, which read as follows:

In the assigned display region, only information of shapes of sub images to be displayed is treated as display data. The display color, the contour compensating color, and the sub image contrast that are required for each pixel are formed in a header portion. Thus, the amount of data to be transmitted can be reduced. Since the display data portion is bit map data, the shapes of sub images can be freely displayed.

By contrast, in the Applicant's claimed invention, at least one of the plurality of packets of the ongoing packet transfer comprises a header portion and a separate payload portion and the at least a portion of the image data or picture data is transmitted in the header portion. The combination of Dan in view of Kitamura fails to disclose or suggest, *inter alia*, including at least a portion of the image data (for claims 24, 29, 35, 37, and 38) or picture data (for claims 1, 11, 36, 40, and 41) in the header portion, as claimed by the Applicant. The Applicant discloses image data in the specification at, for example, paragraph [0033] and picture data, *inter alia*, in for example, paragraphs [0037], [0040], and [0041].

The combination of Dan in view of Kitamura does not disclose or suggest the Applicant's claimed invention in the independent claims 1, 11, 24, 29, 35, 36, 37, 38, 40, and 41. Thus, claims 1, 3, 11, 18, 19, 22, 24-33, and 40-41 are patentable over this combination.

B. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan and Kitamura in view of Hines et al (United States Patent 6,570,585)

The Applicant's remarks regarding the Dan and Kitamura references are incorporated herein by reference. The Examiner has combined Dan and Kitamura with Hines, for allegedly disclosing embedding MPEG in HTML. However, Hines fails to disclose or suggest the Applicant's claimed invention, wherein at least one of the plurality of packets of the ongoing packet transfer comprises a header portion and a separate payload portion and the at least a portion of the image data (for claims 24, 29, 35, 37, and 38) or picture data (for claims 1, 11, 36, 40, and 41) is transmitted in the header portion. The combination of Dan and Kitamura in view of Hines fails to disclose or suggest the Applicant's claimed invention in independent

claims 1, 11, 24, 29, 35, 36, 37, 38, 40, and 41. Thus, dependent claims 5 and 6 are patentable over this combination.

C. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dan and Kitamura in view of Bell United States Patent 6,600,902

The Applicant's remarks regarding the Dan and Kitamura references are incorporated herein by reference. The Examiner has combined Dan and Kitamura with Bell, for allegedly disclosing transmissions in accordance with the Object Exchange (OBEX) transfer protocol. However, Bell fails to disclose or suggest the Applicant's claimed invention, wherein at least one of the plurality of packets of the ongoing packet transfer comprises a header portion and a separate payload portion and the at least a portion of the image data (for claims 24, 29, 35, 37, and 38) or picture data (for claims 1, 11, 36, 40, and 41) is transmitted in the header portion. The combination of Dan and Kitamura in view of Bell fails to disclose or suggest the Applicant's claimed invention in independent claims 1, 11, 24, 29, 35, 36, 37, 38, 40, and 41. Thus, dependent claim 10 is patentable over this combination.

D. Claims 4, 7, 14, 15, 20, 23, and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan and Kitamura in view of Yu et al United States Patent 6,684,087

The Applicant's remarks regarding the Dan and Kitamura references are incorporated herein by reference. The Examiner has combined Dan and Kitamura with Yu, for allegedly disclosing that individual pictures are transmitted for display in succession on the receiving device to be viewed as a mini-clip. However, Yu fails to disclose or suggest the Applicant's claimed invention, wherein at least one of the plurality of packets of the ongoing

packet transfer comprises a header portion and a separate payload portion and the at least a portion of the image data (for claims 24, 29, 35, 37, and 38) or picture data (for claims 1, 11, 36, 40, and 41) is transmitted in the header portion. The combination of Dan and Kitamura in view of Yu fails to disclose or suggest the Applicant's claimed invention in independent claims 1, 11, 24, 29, 35, 36, 37, 38, 40, and 41. Thus, claims 4, 7, 14, 15, 20, 23, and 34-38 are patentable over this combination.

E. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan and Kitamura in view of Yu et al and further in view of Hines

The Applicant's remarks regarding the Dan, Kitamura, Yu, and Hines references are incorporated herein by reference. However, the combination of Dan, Kitamura, Yu, and Hines fails to disclose or suggest the Applicant's claimed invention, wherein at least one of the plurality of packets of the ongoing packet transfer comprises a header portion and a separate payload portion and the at least a portion of the image data (for claims 24, 29, 35, 37, and 38) or picture data (for claims 1, 11, 36, 40, and 41) is transmitted in the header portion. The combination of Dan, Kitamura, Yu, and Hines fails to disclose or suggest the Applicant's claimed invention in independent claims 1, 11, 24, 29, 35, 36, 37, 38, 40, and 41. Thus, dependent claims 8 and 9 are patentable over this combination.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4066.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4066.

Respectfully submitted,
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By: _____



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